

**MAINTENANCE LETTER AGREEMENT
BETWEEN
THE TEXAS FACILITIES COMMISSION
AND THE
HEALTH AND HUMAN SERVICES COMMISSION (529)**

WHEREAS, the Texas Facilities Commission (TFC) is the State agency with a primary responsibility for maintenance and repair of State buildings, grounds, and property; and


WHEREAS, the Health and Human Services Commission (HHSC) has requested the TFC provide an estimate for a proposed project through Work Order No. 662802/ Portal Request No. 21420 and the TFC has reviewed the request and proposes a preliminary estimated budgetary amount of Five Thousand One Hundred Thirty-Nine and 55/100 Dollars (\$5,139.55).

NOW, THEREFORE, pursuant to the Interagency Cooperation Act, Chapter 771, Texas Government Code, and in consideration of the mutual agreements contained herein, the parties agree as follows:

1. The proposed amount of the project requested under Work Order No. 662802/ Portal Request No. 21420 is Five Thousand One Hundred Thirty-Nine and 55/100 Dollars (\$5,139.55); and is as further described on the detailed budget attached hereto and incorporated herein as Attachment A. The proposed amount is based on information provided to TFC by HHSC and shall remain valid for a period of thirty (30) days from the date of Texas Facilities Commission's letter, January 8, 2019. Failure to approve this work order estimate within thirty (30) days shall render this estimated budget amount null and void, and will result in the work order being closed.
2. If the work order estimate provided above is under Fifty Thousand and No/100 Dollars (\$50,000.00), then this letter agreement may serve as the agreement between the parties, upon execution by Texas Facilities Commission, to move forward with the project. If the estimate provided is over Fifty Thousand and No/100 Dollars (\$50,000.00), then execution of an interagency cooperation contract between the parties shall be required; however, Health and Human Services Commission may request the issuance of an interagency cooperation contract for work proposed under Fifty Thousand and No/100 Dollars (\$50,000.00).
3. Expenses will be based on the actual costs of the work for the Project. Services may include but not be limited to services required for research, pricing, estimate gathering, construction document development, and bid monitoring, coordination and evaluation services commenced by TFC as of the date of submission of this portal request. In addition, if the scope of work changes upon agreement by TFC and HHSC, the estimated budget amount may change. An Interagency Transaction Voucher or Invoice (ITV) for the completed services will be prepared by TFC and HHSC shall reimburse TFC within thirty (30) days from receipt of ITV or invoice.
4. Pursuant to Rider 15 entitled *Capital Construction on Behalf of State Agencies* for TFC found in the GAA, Acts 2017, S.B. 1, 85th Leg., R.S., art. I (Facilities Commission), any capital items related to construction of buildings and facilities including minor construction projects greater than \$250,000 performed by TFC on behalf of other state agencies do not apply to TFC for the purpose of the capital budget rider limitations specified in the GAA, Acts 2017, S.B. 1, 85th Leg., R.S., art. IX, sec. 14.03. By signing this Contract, HHSC certifies it has the requisite capital budget authority to fund the services to be provided under this Contract.

This letter agreement shall be effective upon execution by TFC, and it shall continue in effect until completion of the Project. If the work proposed is over Fifty Thousand and No/100 Dollars (\$50,000.00), an interagency cooperation contract between the parties shall be drafted by TFC and submitted to Health and Human Services Commission for execution.

HEALTH AND HUMAN SERVICES COMMISSION



David Stegall

Date of Execution: 1-17-19

TEXAS FACILITIES COMMISSION



Craig Wingfield

Date of Execution: 1-18-2019

Cc:
Gb
Rk
Cw
Lr
Nm

Attachment A - Estimate Summary

Portal #: 21420 Project: JHW WO #: 662802 Date: 1/8/2019 Ref Docs: 11/5/2018	Estimate Type: FINAL MILA TFC Base Labor Rate: \$ 93.00 per hour Overtime Labor Rate: \$ 139.50 per hour	Attachment A
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BUILDING SUMMARY					SUBTOTALS	
TFC Labor Hours	Material	Subcontracts	TOTAL			
32	\$ 2,976.00	\$ 266.60	\$ -			
TRADES SUBTOTAL			\$ 3,242.60			
(a) Project Coordination	7	Hours	x	\$ 93.00	\$ 651.00	
(b) Project Contingency				20%	\$ 778.72	
(c) Design Contingency				0%	\$ -	
CONSTRUCTION SUBTOTAL			\$ 4,672.32			
(d-h) Accessible Path of Travel Corrections (% of Construction Subtotal + TDLR & RAS FEES)				0%	\$ -	
TOTAL COST OF CONSTRUCTION			\$ 4,672.32			
(e) Professional Services Fee (% of Total Construction Cost)				10%	\$ 467.23	
TOTAL PROJECT COST			\$ 5,139.55			

Notes:

(a) Project Coordination is for construction-related: bidding; purchasing; planning; scheduling; and coordination of the various trades.

(b) Project Contingency is for hidden conditions that are unforeseeable and that may arise over the course of construction.

(c) Design Contingency is for yet-to-be-determined design changes that may be necessary to address code related issues and/or minor changes in project scope.

(d - h) Accessible Path of Travel Corrections are required by TDLR any time a "Primary Function Space" is altered. The minimum cost established by TDLR is 20% of the Construction Subtotal. TDLR & RAS Fees (if required) cover TDLR Project Registration, Variance Application, Document Review, and Construction Inspection.

(e) Professional Services Fee recovers TFC's costs for providing statutorily required professional architectural and engineering services.

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Install a dedicated circuit and a power pole for a space heater in area 3E, cubicle K24.

Qualifications & Assumptions

1. Hazardous material testing and/or remediation is not included in the estimate.
2. No overtime or after hours work is included.

12/18/19
01-08-19